

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LAKHAN JHA and MINAKSHI KUMARI,

Plaintiffs,

v.

CHICAGO TITLE INSURANCE  
COMPANY,

Defendant.

CASE NO. 2:23-cv-00584

ORDER STRIKING BOTH OF  
DEFENDANT’S PENDING SUMMARY  
JUDGMENT MOTIONS

Before the Court are dueling motions. The first is Plaintiffs Lakhan Jha and Minakshi Kumari’s motion to strike Defendant Chicago Title Insurance Company’s second pending summary judgment motion, arguing that it violates the Local Civil Rule against “filing contemporaneous dispositive motions.” Dkt. No. 31. The other motion is from Defendant asking permission to sidestep the rule. Dkt. No. 33. Both motions are fully briefed, and the Court has reviewed the record carefully. For the reasons stated below, the Court DENIES Defendant’s motion and GRANTS Plaintiffs’ motion.

To provide more background, Defendant filed a motion for partial summary judgment, which is still pending. Dkt. No. 16. Twenty-five days later, Defendant filed a “cross-motion” for summary judgment, which is also still pending. Dkt. No. 28. Defendant’s cross-motion, however,

1 is essentially a companion piece to its response to Plaintiffs’ motion for partial summary  
2 judgment. Defendant’s summary judgment response clocks in at 8,017 words, and it contains  
3 multiple references to the (then) forthcoming cross-motion. *See* Dkt. No. 26 at 5, 9, 18.  
4 Defendant’s cross-motion filed that same day contains 7,026 words. Dkt. No. 28.

5 Under the Local Civil Rules, “[a]bsent leave of the court, a party must not file  
6 contemporaneous dispositive motions, each one directed toward a discrete issue or claim.” LCR  
7 7(e)(3). The rule promotes judicial efficiency, but also prevents shrewd advocates from  
8 circumventing the word limits for dispositive motions. *See O’Donnell/Salvatori Inc. v. Microsoft*  
9 *Corp.*, No. C20-882-MLP, 2022 WL 220543, at \*1 (W.D. Wash. Jan. 25, 2022) (“The page  
10 limits would be meaningless if parties could file multiple motions for summary judgment.”).

11 Defendant acknowledges the Local Rules, but claims this is “not a situation where [it] is  
12 filing separate motions on discrete issues to circumvent briefing limitations or the one-motion-at-  
13 a-time rule,” and that its cross-motion is in “direct *response* to Plaintiff’s MSJ and is required for  
14 the Court to fully and fairly consider” the issues. Dkt. No. 33 at 2 (emphasis in original). This  
15 argument is not persuasive and is all but an admission that Defendant’s cross-motion is simply  
16 an attempt to evade the 8,400 page-limit for summary-judgment responses. *See* LCR 7(e)(3).

17 Defendant also argues that Plaintiffs raise new arguments in their reply brief in support of  
18 their summary judgment motion and that this justifies—after the fact—its cross motion.  
19 Defendants offer no authority for this argument, and it defies common sense that Defendants  
20 would preemptively file a second dispositive motion on the off chance that Plaintiff’s reply brief  
21 would veer into new territory. Besides, to the extent Defendant took exception to something  
22 contained in Plaintiff’s reply, the proper course of action would have been to file a surreply  
23 requesting that the Court strike the objectionable material. *See* LCR 7(g).

1 Defendant raises other arguments about Plaintiffs conflating insurance coverage and bad  
2 faith arguments in their summary judgment motion. The Court will not comment on this point or  
3 Plaintiffs' briefing except to say that Defendant offers no explanation why it could not elucidate  
4 on this subject in its summary judgment response to the extent it felt Plaintiffs had muddled their  
5 causes of action. Allowing Defendants to dissect Plaintiffs' claims across two motions would  
6 simply "reward [Defendant] for violating the court's rules, which the court is disinclined to do."  
7 *Delashaw v. Roberts*, No. C18-1850JLR, 2020 WL 2405405, at \*2 (W.D. Wash. May 12, 2020).

8 Thus, the Court rejects Defendant's arguments in favor of allowing a second  
9 contemporaneous dispositive motion. But during the pendency of Plaintiffs' motion to strike, the  
10 parties finished the briefing schedule on Plaintiffs' and Defendant's separate partial summary  
11 judgment motions, as well as Defendant's cross-motion for summary judgment. So while the  
12 Local Civil Rules justify striking Defendant's cross-motion in its entirety, the Court, as a  
13 practical matter, cannot ignore the substantial work performed by the parties and the various  
14 briefs they have *already* submitted. Moreover, this case was removed from State court and does  
15 not yet have a trial date; narrowing the issues in dispute through motion practice will potentially  
16 shorten the length of trial and allow for a sooner trial setting.

17 Accordingly, the Court STRIKES both of Defendant's pending summary judgment  
18 motions without prejudice and grants it leave to file a single summary judgment motion that  
19 complies with the Local Civil Rules, including the word length for dispositive motions.  
20 Defendant must refile any such motion by August 21, 2023, and note it for consideration no later  
21 than September 15, 2023.

22 The Court does not take lightly the impact this ruling will have on Plaintiffs and assumes  
23 they will refashion their prior briefing to address any consolidated motion that Defendant files.  
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1 The Court will entertain a motion to file an overlength brief to the extent Plaintiffs need  
2 additional space to respond.

3 Dated this 7th day of August, 2023

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6 Jamal N. Whitehead  
7 United States District Judge  
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